

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ERIC D. WIGGINS,	:	
	:	
Petitioner,	:	Civ. No. 19-18676 (NLH)
	:	
v.	:	OPINION
	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Respondents.	:	

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APPEARANCES:

Eric D. Wiggins  
1212438/455322B  
Northern State Prison  
Newark, NJ 07114

Petitioner Pro se

Damon G. Tyler, Atlantic County Prosecutor  
Melinda A. Harrigan, Assistant Prosecutor  
Atlantic County Prosecutor's Office  
4997 Unami Boulevard, Suite 2  
Mays Landing, NJ 08330

Counsel for Respondents

HILLMAN, District Judge

On March 25, 2021, the Court provisionally granted the Attorney General of the State of New Jersey's motion to dismiss Eric Wiggins' amended petition for writ of habeas corpus as time barred. ECF No. 13. The Court retained jurisdiction for 30 days to give Petitioner time to submit his equitable tolling arguments. Id. Petitioner has not submitted any arguments in

favor of equitable tolling within the time set by the Court. Therefore, the Court will dismiss the amended petition with prejudice as time barred for the reasons stated in its March 25, 2021 Opinion. ECF No. 12.

AEDPA provides that an appeal may not be taken to the court of appeals from a final order in a § 2254 proceeding unless a judge issues a certificate of appealability on the ground that "the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Supreme Court held in Slack v. McDaniel that "[w]hen the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." 529 U.S. 473, 484 (2000).

This Court denies a certificate of appealability because jurists of reason would not find it debatable that dismissal of the petition as untimely is correct.

An appropriate order will be entered.

Dated: May 7, 2021  
At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.